UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,347	11/14/2003	Naoya Kamiyama	2003_1650A	1186

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EXAMINER
NGUYEN, PHU K

ART UNIT	PAPER NUMBER
2628	

DATE MAILED: 06/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/712,347	KAMIYAMA, NAOYA
	Examiner	Art Unit
	Phu K. Nguyen	2628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>08 March 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

   4a) Of the above claim(s) *1-8* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *9-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☒ All   b)☐ Some *   c)☐ None of:

   1.☒ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

**PHU K. NGUYEN
PRIMARY EXAMINER
GROUP 2300**

Attachment(s)

*1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

*3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *11/14/03*.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 11-13, 15, 17 are rejected under 35 U.S.C. 102(e) as being anticipated by SHEN et al. (6,781,584).

As per claim 11, Shen teaches the claimed "computer-readable recording medium with a waveform editing program stored: the program for allowing a waveform editing system" (Shen, waveform modifying software, column 3, lines 7-9), comprising "at least a display device to display waveforms on a screen and an input device enabling input operations; which can display a waveform generated based on data input through the input device or data captured from an outside source on the screen, to implement" (Shen, the waveform display module 12; column 3, lines 38-45); "a second frame definition function of defining a copy area frame for copying the waveform" (Shen, figure 5; column 7, lines 60-64; column 9, lines 14-24); "an in-frame waveform copy

function of copying a waveform in the frame defined by the second frame definition function" (Shen, the vertical cursors 78-79 is used for defining the captured or copied portion of waveform; column 9, lines 4-12); and "a second time-series waveform generation function of generating a time-series waveform from the in-frame point and other points of the waveform when a location definition operation of the in-frame waveform copied by the in-frame waveform copy function is detected" (Shen, column 9, lines 25-35).

Claim 12 adds into claim 11 to claim 11, wherein: "the second time-series waveform generation function is to generate a time-series waveform with an existing point discarded when the existing point is in the frame after the location definition operation is performed" (Shen, the replacement or discard of waveforms displayed within the defined location of vertical cursors 78-79; figure 8).

Claim 13 adds into claim 11 "the in-frame waveform copy function is to add and copy points of intersection of the frame defined by the second frame definition function and the waveform as new in-frame points" (Shen, the combination or adding of waveforms displayed within the defined location of vertical cursors 78-79; figure 8).

As per claim 15, Shen teaches the claimed "computer-readable recording medium with a waveform editing program stored; the program for allowing a waveform editing system" (Shen, waveform modifying software, column 3, lines 7-9), comprising

"at least a display device to display waveforms on a screen and an input device

enabling input operations; which can display a waveform generated based on data input

through the input device or data captured from an outside source on the screen, to

implement" (Shen, the waveform display module 12; column 3, lines 38-45); "an in-

frame point movement function of moving the in-frame point" (Shen, figure 5; column 7,

lines 60-64; column 9, lines 14-24); "a third time-series waveform generation function of

regenerating a time-series waveform from a moved point constituting the waveform and

other points when a movement operation of the point is detected" (Shen, the vertical

cursors 78-79 is used for defining the captured or copied portion of waveform; column 9,

lines 4-12, column 9, lines 25-35).

As per claim 17, Shen teaches the claimed "computer-readable recording

medium with a waveform editing program stored: the program for allowing a waveform

editing system" (Shen, waveform modifying software, column 3, lines 7-9), comprising

"at least a display device to display waveforms on a screen and an input device

enabling input operations; which can display a waveform generated based on data input

through the input device or data captured from an outside source on the screen, to

implement" (Shen, the waveform display module 12; column 3, lines 38-45); "a

coordinate axis resolution unit selection function which enables selections of coordinate

axis resolution units" (Shenthe timing and level resolutions, figure 2); and "a coordinate

data acquisition function of acquiring values of coordinate data of the waveform

displayed on the screen in the coordinate axis resolution units selected by the

coordinate axis resolution unit selection function" (Shen, column 3, line 58 to column 4,

line 5).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 9-10, 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable

over SHEN et al. (6,781,584) in view of CAKE et al. (6,952,655).

As per claim 9, Shen teaches the claimed "computer-readable recording medium

with a waveform editing program stored: the program for allowing a waveform editing

system" (Shen, waveform modifying software, column 3, lines 7-9), comprising "at least

a display device to display waveforms on a screen and an input device enabling input

operations; which can display a waveform generated based on data input through the

input device or data captured from an outside source on the screen, to implement"

(Shen, the waveform display module 12; column 3, lines 38-45); "an in-frame point

movement function of moving the in-frame point" (Shen, figure 5; column 7, lines 60-64;

column 9, lines 14-24); "a first frame definition function of defining an editing area frame

for editing the waveform" (Shen, the vertical cursors 78-79 is used for defining the

captured or copied portion of waveform; column 9, lines 4-12); and "a first time-series

waveform generation function of generating a time-series waveform from the in-frame

point moved by the in-frame point movement function and other points of the waveform"

(Shen, column 9, lines 25-35). It is noted that Shen does not teach "performs the scale

or transformation operation". However, Cake teaches that any simple operation is

easily defined by a person of ordinary skill in the art through a scrip editor, which

includes the scale operation (Cake, a script file for the user-define processing function;

column 3, lines 1-12, 35-40, 55-62). The purpose to implement a "scale" function for the

waveform display is user's ability to manipulate the input data for a specific purpose

(Cake, column 2, lines 3-14, column 3, lines 57-62).

Claim 10 adds into claim 9 "the in-frame point movement function is to add and

move points of intersection of the frame defined by the first frame definition function and

the waveform as new in-frame points" (Shen, the ability to move and change the vertical

cursors 78-79).

As per claim 14, Shen teaches the claimed "computer-readable recording

medium with a waveform editing program stored: the program for allowing a waveform

editing system" (Shen, waveform modifying software, column 3, lines 7-9), comprising

"at least a display device to display waveforms on a screen and an input device

enabling input operations; which can display a waveform generated based on data input

through the input device or data captured from an outside source on the screen, to

implement" (Shen, the waveform display module 12; column 3, lines 38-45); "a binary

waveform generation function of generating a binary waveform based on prescribed

data and/or a prescribed input operation through the input device" (Shen, figure 5;

column 7, lines 60-64; column 9, lines 14-24); "a third frame definition function of

defining an editing area frame for editing the binary waveform generated by the binary

waveform generation function" (Shen, the vertical cursors 78-79 is used for defining the

captured or copied portion of waveform; column 9, lines 4-12); and "an in-frame cycle

modification function of modifying a binary waveform cycle in the frame" (Shen, column

9, lines 25-35).   It is noted that Shen does not teach the modification is performed

"according to the amount of scaling of the frame when a scaling operation of the frame

defined by the third frame definition function is detected". However, Cake teaches that

any simple operation is easily defined by a person of ordinary skill in the art through a

scrip editor, which includes the scale operation (Cake, a script file for the user-define

processing function; column 3, lines 1-12, 35-40, 55-62). The purpose to implement a

"scale" function for the waveform display is user's ability to manipulate the input data for

a specific purpose (Cake, column 2, lines 3-14, column 3, lines 57-62).

Claim 16 adds into claim 15 "the third time-series waveform generation function

is to regenerate a waveform in chronological order when the time sequence of a moved

point and any of other points is reversed" which Shen does not teach. However, Cake

teaches that any simple operation is easily defined by a person of ordinary skill in the art

through a scrip editor, which includes the regeneration of a waveform in chronological

order when the time sequence of a moved point and any of other points is reversed

(Cake, a script file for the user-define processing function; column 3, lines 1-12, 35-40,

55-62). The purpose to implement a "time series" function for the waveform display is

user's ability to manipulate the input data for a specific purpose (Cake, column 2, lines

3-14, column 3, lines 57-62).

Claim 18 claim 1 waveform editing system based on the steps of the program

recorded (Shen, waveform display system; figure 1) which is rejected under the same

reason.

Claim 18 is objected to because of the following informalities: it depends on the withdrawn claims 1-8. Appropriate correction is required.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phu K. Nguyen whose telephone number is (571) 272 7645. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on (571) 272 7664. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PHU K. NGUYEN
PRIMARY EXAMINER
GROUP 2300

Phu K. Nguyen
May 20, 2006